

FILED 09 SEP 10 10:24 USDC-ORP

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHN L. CALVERT,

Plaintiff,

Civil No. 07-1466-JE

v.

ORDER

J.E. THOMAS,

Defendant.

HAGGERTY, District Judge:

Magistrate Judge Jelderks has issued a Findings and Recommendation [36] in this action.

The Magistrate Judge recommends denying plaintiff's Motion for Judgment of Default [33].

Plaintiff, acting *pro se*, filed timely objections. For the following reasons, this court adopts the Findings and Recommendation.

STANDARDS

When a party objects to any portion of a Findings and Recommendation, the district court must conduct a de novo review. 28 U.S.C. § 636(b)(1)(B); McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

DISCUSSION

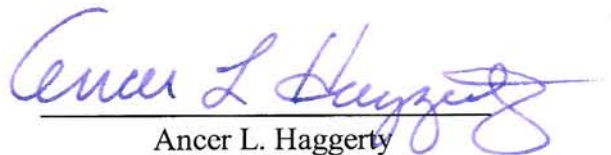
Plaintiff brings this prisoner civil rights action because he is allegedly subjected to second-hand smoke by prison staff in non-smoking areas. As the Magistrate Judge correctly noted, "plaintiff has provided no specific reason which would lead the court to find defendant in default in this case." Findings and Recommendation at 2. Plaintiff's objections similarly provide no specific reasons why plaintiff is entitled to default. Accordingly, the Findings and Recommendation is adopted in its entirety.

CONCLUSION

The Findings and Recommendation [36] is adopted. Plaintiff's Motion for Judgment of Default [33] is DENIED.

IT IS SO ORDERED.

Dated this 10 day of September, 2009.


Ancer L. Haggerty
United States District Judge